

SENATE BILL 3128

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to tobacco and tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 15, is amended by adding the following language as a new section:

Section 39-17-1511.

(a) Notwithstanding any provision of § 39-15-403 to the contrary, the department may utilize minors to enforce the provisions of this part.

(b)

(1) It is not a violation of any provision of this part for the department to use or send a minor to purchase tobacco products for the purpose of aiding in the department's efforts to prohibit sales to minors so long as the department complies with the provisions of this section.

(2) Prior to using a minor to perform illegal or delinquent acts for the purposes of aiding in the enforcement of the laws of this state as permitted by this section, the department shall obtain the written approval of the minor's parent or legal guardian and submit the following information to the juvenile court of the jurisdiction where the minors resides:

(A) A copy of the written approval of the minor's parent or legal guardian;

(B) A certified copy of the minor's birth certificate; and

(C) A copy of the minor's picture identification.

(3) The juvenile court shall have ten (10) calendar days to review the information submitted by the department. If the court does not object to the

department's use of the minor, the department may utilize such minor for enforcement efforts. If the court does object, the department shall not utilize the minor for any enforcement efforts. Any objection by the court shall be in writing and state reasons for the objection.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.